

### AMENDMENTS TO THE CLAIMS

The following listing of claims shall replace all prior listings and versions of claims in this application.

#### Claim Listing:

Claims 1-14 (Cancelled)

15. (Currently amended)      A tissue stapler for deploying a staple into tissue, comprising a tubular member having a tip section, a trigger, and a connecting rod located within said tubular member and extending between said tip section and said trigger located within said tubular member, said tip section comprising a staple deploying, a crimping member located on said tubular member and formed about disposed within said tip section, ~~a flange section located on~~ said connecting rod having a flange member adapted to hold a said staple between said flange member and said ~~staple deploying~~ crimping member, said connecting rod and said ~~tip section~~ tubular member being slidably engaged operable by said trigger to ~~slid~~ slide said ~~connecting rod flange member~~ toward said ~~tip section~~ crimping member thereby deploying said staple.

16. (Currently amended)      A stapler as claimed in claim 15, wherein said connecting rod ~~being~~ is rotatable within said tubular member, and said flange ~~section being~~ member is mated with an opening in said staple in one dimension, wherein said staple ~~is~~ has an opening sized and shaped to be placed over said flange member and wherein, upon rotation of said connecting rod, said staple ~~being~~ can be held against said ~~deploying~~ crimping member by said flange member.

17. (Currently amended) A stapler as claimed in claim 16, wherein said flange member ~~having~~ has a generally oval shape and said opening in said staple ~~having~~ has a mated oval shape.

18. (Currently amended) A stapler as claimed in claim 15, wherein said trigger comprises a lever for moving said connecting rod ~~against said tip section~~ within said tubular member.

19. (Cancelled)

20. (Currently amended) A stapler as claimed in claim 15, wherein said staple ~~comprising~~ comprises a plurality of tissue engaging prongs that are crimped together at least partially through said tissue by said ~~deploying~~ crimping member.

21. (Currently amended) A stapler as claimed in claim 15, wherein said ~~deploying~~ crimping member ~~having~~ has a generally parabolic shape.

22. (Currently amended) A stapler as claimed in claim 15, wherein said ~~deploying~~ crimping member ~~having~~ has a plurality of slidable ~~finger members~~ fingers, said crimping member being ~~actuated~~ operable by said trigger to slide axially over said connecting rod and flange member to crimp said staple.

Claims 23-24 (Cancelled)

25. (Currently amended) A staple and a stapler for stapling tissue, said stapler comprising a tubular member having a tip section, a trigger, and a connecting rod located within said tubular member and extending between said tip section and said trigger located within said tubular member, ~~said tip section comprising a staple~~ a crimping member located on said tubular member and ~~formed about~~ disposed within said tip section, ~~a flange section located on said connecting rod having a flange member adapted to hold a~~ said staple between said flange member and said ~~staple~~ crimping member, said connecting rod and ~~said tip section~~ said tubular member being slidably engaged operable by said trigger to slide said ~~connecting rod~~ flange member toward said ~~tip section thereby crimping~~ crimping member thereby deploying said staple; and said staple comprising a ring member defining an opening therein, said opening being mated to fit over said flange member in one dimension and a plurality of tissue engaging members located on said ring member to pierce into tissue upon crimping by said stapler.

26. (Currently amended) A staple and a stapler as claimed in claim 25, wherein said flange member and said opening ~~having~~ have mated shapes.

27. (Currently amended) A staple and a stapler as claimed in claim 25, wherein said connecting rod ~~being~~ is rotatable within said tubular member, and said flange ~~section being~~ member is mated with an opening in said staple in one dimension, wherein said staple is adapted to be placed over said flange member and wherein, upon rotation of said connecting rod, said staple ~~being~~ can be held against said crimping member by said flange member.

Appln. No. 10/689,358  
Amdt. dated July 11 2005  
In response to Office action mailed March 9, 2005

Claims 28-32 (Cancelled)